



United States Courts for the Ninth Circuit

# Public Information Office

David Madden, Manager • (415) 556-6177 • (415) 556-6179 fax • dmadden@ce9.uscourts.gov

## NEWS RELEASE

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Contact: Chief Judge Mary M. Schroeder (602) 322-7320

## **Ninth Circuit to Increase Size of *En Banc* Courts**

PHOENIX – Chief Judge Mary M. Schroeder today announced a rule amendment increasing the size of *en banc* courts convened by the United States Court of Appeals for the Ninth Circuit to resolve important issues of law within the circuit.

The amendment will increase the size of *en banc* courts from 11 to 15 judges. The larger court will constitute a majority of the court's 28 authorized judges. The amendment was approved Wednesday at a regular meeting of the court in San Francisco.

Federal appeals initially are decided by three-judge panels. *En banc* courts are convened to maintain uniformity of the court's decisions and to resolve questions of exceptional importance. For appellate courts with fewer than 15 judges, all of the judges sit on the *en banc* court. Congress has authorized courts with more than 15 judges to convene limited *en banc* courts with fewer than all of its active judges.

Commenting on the change, Chief Judge Schroeder said that her court has been pleased with the operation of the 11-judge *en banc* court, but this action "is intended to respond to criticism that we should have a majority of our active judges sit on each *en banc*."

*En banc* courts are rarely convened. During 2004, the Ninth Circuit received 852 requests for *en banc* review of three-judge decisions, and granted *en banc* review in 22 cases.

The amendment goes into effect on January 1, 2006, and will be evaluated after two years.

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